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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/596,298	06/17/2000	Uday R. Parekh	TQIP-0002	1742
7590	10/27/2003		EXAMINER	
David H Hitt Hitt Chwang & Gaines PC P O Box 832570 Richardson, TX 75083			ESCALANTE, OVIDIO	
			ART UNIT	PAPER NUMBER
			2645	
DATE MAILED: 10/27/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/596,298	PAREKH ET AL
	Examiner	Art Unit
	Ovidio Escalante	2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 28 July 2003.
- 2a) This action is FINAL.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-27 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

- 11) The proposed drawing correction filed on 7/28/03 is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.

- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a)  The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

1. This action is in response to applicant's amendment filed on July 28, 2003. **Claims 1-27** are now pending in the present application.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 21,23-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Allen et al. US Patent 5,495,522.

*Regarding claim 21*, Allen teaches a system for managing deletion of telephony recordings stored in a storage unit, (col. 26, lines 38-67), comprising:

a file structure including directories, each of said directories designated to contain only telephony recordings (CDRs comprise information that was recorded onto a file record concerning each telephone call (e.g. line number, conference number, start time, name and phone number). The directories of Allen each contain only information that was received during a call) created during particular periods of time, (col. 26, lines 45-47; files are created and assigned names that correspond to the date. A group of files with the same date forms a directory in which all files with the same date are stored or deleted together when a predetermined period of time passes); and

a controller, associated with said storage unit, that recovers storage capacity in said storage unit by deleting an entire one of said directories based on said particular periods of time, (col. 26, lines 38-67).

**Regarding claim 23**, Allen teaches wherein said controller deletes an oldest one of said directories, (col. 26, lines 38-67).

**Regarding claim 24**, Allen teaches wherein said particular period of time is one day, (col. 26, lines 45-47).

**Regarding claim 25**, Allen teaches wherein said storage unit is a disk storage unit, (col. 26, lines 38-67).

**Regarding claim 26**, Allen teaches wherein selected ones of said files are removed from one of said directories before said controller deletes said directory, (col. 26, lines 38-67).

**Regarding claim 27**, Allen teaches wherein said controller deletes said one of said directories by deleting said files contained in said directory and renaming said one, (col. 26, lines 38-67).

#### ***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-5,7-12,14-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reichmann WO 98/39901 in view of Kataoka US Patent 6,553,183.

**Regarding claims 1 and 8**, Reichmann teaches an automated call placement system (fig. 1) having a switching service unit (LEC,IXC), a call monitoring unit (call transcription system 24) capable of monitoring a selected one of lines (28,30) coupled to said switching service unit,

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(page 4, lines 4-8) and a method of making a recording of a conversation occurring on a selected one of lines coupled to said switching service unit, (page 5, lines 8-18), comprising:

a recorder, coupled to said call monitoring unit, that monitors a call carried on said selected one of said lines and creates a recording of said call on a storage medium associated therewith, said storage medium being of finite capacity, (page 5, lines 8-30; page 6, lines 26-29); and

a recorder controller, coupled to said recorder, that provides an audible reproduction of said call to a user in real time and allows said user to preserve said recording based on said audible reproduction, (page 9, lines 18-36; After the call is terminated the user can review the recorded call and can determine whether or not to erase or preserve the recording. The system sets a timer from e.g., 5-30 minutes after the termination of the call to allow the user to decide whether to erase the telephony recordings).

Reichmann does not specifically teach causing the recording to be subject to eventual overwriting and thus preserving the recording to delay said overwriting.

Kataoka teaches that it was well known in the art to have a recording system that is subjected to overwriting based on the fact that the memory only has a finite amount of space, (col. 2, lines 4-14,31-42,58-67). One of ordinary skill in the art would have used a memory that overwrites so that recordings can be continuous and not be terminated due to lack of memory space.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Reichmann by allowing the system to overwrite recordings, as taught by Kataoka so that there will be no interruption in reproduced audio.

***Regarding claims 2 and 9***, Reichmann in view of Kataoka teaches wherein said recorder controller allows said user to preserve said recording to prevent said overwriting, (page 9, lines 18-36).

***Regarding claims 3,10 and 16***, Elazar teaches wherein said recorder monitors said call by tapping a trunk line coupled to said switching service unit, (fig. 1, page 4, lines 4-24).

***Regarding claims 4,11 and 17***, Reichmann teaches wherein said call is an outgoing call from a station coupled to said switching service unit, (page 4, lines 4-24).

***Regarding claim 15***, Reichmann teaches an automated call placement system (fig. 1), comprising:

switching service unit (LEC,IXC; page 3, lines 20-37);  
plurality of stations coupled to said switching service unit (page 3, lines 20-37);  
call monitoring unit capable of monitoring a selected one of lines coupled to said switching service unit, (page 5, lines 8-30);  
storage medium associated with said call monitoring unit, (page 9, lines 18-36);  
recorder, coupled to said call monitoring unit, that monitors a call carried on said selected one of said lines and creates a recording of said call on a storage medium, said storage medium being of finite capacity, (page 5, lines 8-30; page 6, lines 26-29); and  
a recorder controller, coupled to said recorder, that provides an audible reproduction of said call to a user in real time and allows said user to preserve said recording based on said audible reproduction, (page 9, lines 18-36; After the call is terminated the user can review the recorded call and can determine whether or not to erase or preserve the recording. The system

sets a timer from e.g., 5-30 minutes after the termination of the call to allow the user to decide whether to erase the telephony recordings).

Reichmann does not specifically teach causing the recording to be subject to eventual overwriting and thus preserving the recording to delay said overwriting.

Kataoka teaches that it was well known in the art to have a recording system that is subjected to overwriting based on the fact that the memory only has a finite amount of space, (col. 2, lines 4-14,31-42,58-67). One of ordinary skill in the art would have used a memory that overwrites so that recordings can be continuous and not be terminated due to lack of memory space.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Reichmann by allowing the system to overwrite recordings, as taught by Kataoka so that there will be no interruption in reproduced audio.

6. Claims 5,7,12,14,18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reichmann in view of Kataoka and further in view of Elazar US Patent 6,542,602.

*Regarding claims 5,7,12,14,18 and 20*, Reichmann in view of Kataoka, as applied above, do not specifically teach of arranging the recording in directories and wherein the recordings is subject to overwriting on an aged basis.

Elazar teaches that it was well known to have a storage medium which contains a plurality of recordings arranged in directories according to a date on which a recorder created a plurality of recordings, (col. 4, lines 57-66; col. 7, lines 26-35). Elazar also teaches that it was well-known to have the recordings being subject to overwriting based on an aged basis, (col. 2, lines 58-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Reichmann in view of Kataoka by arranging the recording in directories so that memory space can be saved by deleting old files.

7. Claims 6,13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reichmann in view of Kataoka and further in view of Pezzullo et al. US Patent 6,064,732.

*Regarding claims 6,13 and 19*, Reichmann and Kataoka, as applied above, do not specifically teach of the recorder controller is an ADSI capable device.

Pezzullo teaches that it was well known in the art to have a ADSI device which has a controller that used for recording telephone calls, (col. 2, lines 5-53). Pezzullo teaches that one of ordinary skill in the art would use ADSI so that service can be improved.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Reichmann by using a ADSI device as the recorder as taught by Pezzullo so that the overall use of the device can be improved; col. 2, lines 5-53, Pezzullo.

8. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of Elazar.

*Regarding claim 22*, Allen, as applied above, does not specifically teach the telephony recordings are telephony conversations between two parties.

Elazar teaches that it was well known to have recordings in directories which was created during said particular periods of time to contain telephony conversations between two parties, (col. 6, lines 24-27; col. 26, lines 45-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Allen by including telephony conversations in the telephony recordings as taught by Elazar so that all telephone related information can be stored together.

*Response to Arguments*

9. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:

(703) 872-9314, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is (703) 308-6262. The examiner can normally be reached on Monday to Friday from 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. The fax phone number for this Group is (703) 872-9314.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [fan.tsang@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly

set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ovidio Escalante  
Examiner  
Group 2645  
October 17, 2003

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to read "Fan Tsang", is positioned below the printed title.